

Senate Study Bill 1263

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CO=CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of establishments having
2 custody of animals, and providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1223SC 81
5 da/pj/5

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1 1 Section 1. Section 162.1, subsection 1, Code 2005, is
1 2 amended to read as follows:

1 3 1. To ~~insure that~~ ensure all of the following:

1 4 a. ~~That all dogs and cats handled by boarding kennels,~~
~~1 5 commercial kennels, commercial breeders, dealers, and public~~
~~1 6 auctions that are in the custody of an establishment are~~
1 7 provided with humane care and treatment, including by
1 8 regulating the transportation, sale, purchase, housing, care,
1 9 handling, and treatment of such animals by persons ~~or~~
~~1 10 organizations engaged in housing, transporting, buying, or~~
1 11 selling them, ~~and to provide that~~

1 12 b. ~~That all vertebrate companion animals consigned to pet~~
1 13 shops are provided humane care and treatment, by regulating
1 14 the transportation, sale, purchase, housing, care, handling,
1 15 and treatment of such animals by pet shops.

1 16 Sec. 2. Section 162.2, subsections 6 and 12, Code 2005,
1 17 are amended to read as follows:

1 18 6. "Commercial breeder" means a person, engaged in the
1 19 business of breeding dogs or cats, who sells, exchanges, or
1 20 leases dogs or cats in return for consideration, or who offers
1 21 to do so, whether or not the animals are raised, trained,
1 22 groomed, or boarded by the person. A person who owns or
1 23 harbors three or less ~~breeding sexually intact~~ males or
1 24 females ~~that are more than one year of age~~ is not a commercial
1 25 breeder. However, a person who breeds or harbors more than
1 26 three ~~breeding sexually intact~~ male or female greyhounds for
1 27 the purposes of using them for pari-mutuel racing shall be
1 28 considered a commercial breeder irrespective of whether the
1 29 person sells, leases, or exchanges the greyhounds for
1 30 consideration or offers to do so.

1 31 12. "Pet shop" means ~~an establishment where a dog, cat,~~
~~1 32 rabbit, rodent, nonhuman primate, fish other than live bait,~~
~~1 33 bird, or other vertebrate animal a person who maintains a~~
1 34 ~~companion animal if the companion animal is being bought,~~
1 35 ~~sold, exchanged, or offered for sale. However, a person is~~
2 1 ~~not a pet shop does not include an establishment if one of the~~

2 2 following applies:

2 3 a. The ~~establishment person~~ receives less than five
2 4 hundred dollars from the sale ~~or exchange of vertebrate~~
2 5 ~~companion animals during a twelve-month period.~~

2 6 b. The ~~establishment sells or exchanges person transfers~~
2 7 ~~custody of less than six companion animals by sale during a~~
2 8 ~~twelve-month period.~~

2 9 Sec. 4. Section 162.2, Code 2005, is amended by adding the
2 10 following new subsections:

2 11 NEW SUBSECTION. 6A. "Commercial establishment" means a
2 12 commercial breeder, boarding kennel, commercial kennel, dog
2 13 day care, pet shop, or public auction.

2 14 NEW SUBSECTION. 7A. "Companion animal" means a vertebrate
2 15 animal other than livestock as defined in section 717.1.

2 16 NEW SUBSECTION. 8A. "Dog day care" means an establishment

2 17 engaged in the business of providing for the custody or
2 18 supervision of a dog, if all of the following apply:
2 19 a. The dog is owned by another person.
2 20 b. The establishment maintains custody or supervision of
2 21 the dog for fifteen hours or less during a day.
2 22 c. The purpose of the business is to encourage the dog to
2 23 socialize with another dog or group of dogs, including by
2 24 allowing for the dog's intermingling and play.

2 25 NEW SUBSECTION. 8B. "Establishment" means a commercial
2 26 establishment, an animal shelter, a pound, or a research
2 27 facility.

2 28 NEW SUBSECTION. 16A. "Sale" or "sell" means any transfer
2 29 for a consideration, exchange, adoption, barter, or offer for
2 30 sale, exchange, adoption, or barter.

2 31 Sec. 5. Section 162.2, subsection 17, Code 2005, is
2 32 amended by striking the subsection.

2 33 Sec. 6. Section 162.3, Code 2005, is amended to read as
2 34 follows:

2 35 162.3 ~~CERTIFICATE OF REGISTRATION LICENSE FOR POUND.~~

~~3 1 A pound shall not be operated unless a certificate of~~
~~3 2 registration license for the pound is granted issued by the~~
3 3 secretary. Application for the certificate license shall be
3 4 made in the manner approved by the secretary. ~~Certificates of~~
~~3 5 registration expire A license expires~~ one year from date of
3 6 issue unless revoked and may be renewed upon application in
3 7 the manner provided by the secretary. A ~~registered licensed~~
3 8 pound may engage in the sale of dogs or cats under its
3 9 control, if the privilege is allowed by the ~~department~~
3 10 secretary, but no fee shall be charged unless the ~~registered~~
3 11 licensed pound is privately owned. The ~~registration license~~
3 12 fee for a privately owned pound that sells dogs or cats is
3 13 fifteen dollars ~~per year~~. The fee for an original license or
3 14 renewed license is due on the date that the original license
3 15 is issued or the license expires. The renewal fee is the same
3 16 as the original license fee. However, if the renewal license
3 17 application including the renewal fee is submitted more than
3 18 thirty days after the expiration of the license, the pound
3 19 shall also pay a delinquent fee of twenty-five dollars. The
3 20 fees collected by the department shall be deposited into the
3 21 general fund of the state.

3 22 Sec. 7. Section 162.5, Code 2005, is amended to read as
3 23 follows:

3 24 162.5 PET SHOP LICENSE.

3 25 A person shall not operate a pet shop unless the person has
3 26 obtained a license to operate a pet shop issued by the
3 27 secretary. Application for the license shall be made in the
3 28 manner provided by the secretary. The license expires one
3 29 year from ~~the date of issue~~ issuance unless revoked and may be
3 30 renewed in the manner provided by the secretary. The license
3 31 fee is fifty dollars ~~per year~~. The license may be renewed if
3 32 the licensee has conformed to all statutory and regulatory
3 33 requirements. The fee for an original license or renewed
3 34 license is due on the date that the license is issued or
3 35 expires. The license renewal fee is the same as the original
4 1 license fee. However, if the license renewal application
4 2 including the renewal fee is submitted more than thirty days
4 3 after the license's expiration, the person shall also pay a
4 4 delinquent fee of twenty-five dollars. The fees collected by
4 5 the department shall be deposited into the general fund of the
4 6 state.

4 7 Sec. 8. Section 162.6, Code 2005, is amended to read as
4 8 follows:

4 9 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

4 10 A person shall not operate a commercial kennel or public
4 11 auction unless the person has obtained a license to operate a
4 12 the commercial kennel or a public auction issued by the
4 13 secretary or unless the person has obtained a certificate of
4 14 registration issued by the secretary if the kennel is
4 15 federally licensed. Application for the license or the
4 16 certificate shall be made on a form and in the manner provided
4 17 by the secretary. ~~The A license and the or a certificate~~
4 18 ~~expire expires~~ one year from the date of issue issuance unless
4 19 revoked. The license fee is forty dollars ~~per year~~ and the
4 20 certification fee is twenty dollars ~~annually~~. If the person
4 21 has obtained a federal license, the person need only obtain a
4 22 certificate. The license may be renewed upon application and
4 23 payment of the prescribed fee in the manner provided by the
4 24 secretary if the licensee has conformed to all statutory and
4 25 regulatory requirements. The certificate may be renewed upon
4 26 application and payment of the prescribed fee in the manner
4 27 provided by the secretary. The fee for an original license or

4 28 certificate or renewed license or certificate is due on the
4 29 date that the license or certificate is issued or expires, as
4 30 applicable. The license renewal fee is the same as the
4 31 original license fee. The certificate renewal fee is the same
4 32 as the original certification fee. However, if the license
4 33 renewal application including the renewal fee or the
4 34 certificate renewal application including the renewal fee is
4 35 submitted more than thirty days after the expiration of the
5 1 license or certificate, the person shall also pay a delinquent
5 2 fee of twenty-five dollars. The fees collected by the
5 3 department shall be deposited into the general fund of the
5 4 state.

5 5 Sec. 9. Section 162.7, Code 2005, is amended to read as
5 6 follows:

5 7 162.7 DEALER LICENSE.

5 8 A person shall not operate as a dealer unless the person
5 9 has obtained a license issued by the secretary or unless the
5 10 person has obtained a certificate of registration issued by
5 11 the secretary if the kennel is federally licensed.
5 12 Application for the license or the certificate shall be made
5 13 on forms and in the manner provided by the secretary. ~~The A~~
5 14 ~~license and or certificate expire expires~~ one year from the
5 15 date of ~~issue issuance~~ unless revoked. The license fee is one
5 16 hundred dollars ~~per year~~ and the certification fee is twenty
5 17 dollars ~~per year~~. The license may be renewed upon application
5 18 and payment of ~~the a renewal~~ fee in the manner provided by the
5 19 secretary if the licensee has conformed to all statutory and
5 20 regulatory requirements. The certificate may be renewed upon
5 21 application and payment of the fee in the manner provided by
5 22 the secretary. The fee for an original license or certificate
5 23 or renewed license or certificate is due on the date that the
5 24 license or certificate is issued or expires. The license
5 25 renewal fee is the same as the original license fee. The
5 26 certificate renewal fee is the same as the original
5 27 certification fee. However, if the license renewal
5 28 application including the renewal fee or the certificate
5 29 renewal application including the renewal fee is submitted
5 30 more than thirty days after the expiration of the license or
5 31 certificate, the person must also pay a delinquent fee of
5 32 twenty-five dollars. The fees collected by the department
5 33 shall be deposited into the general fund of the state.

5 34 Sec. 10. Section 162.8, Code 2005, is amended to read as
5 35 follows:

6 1 162.8 COMMERCIAL BREEDER'S LICENSE.

6 2 A person shall not operate as a commercial breeder unless
6 3 the person has obtained a license issued by the secretary or
6 4 unless the person has obtained a certificate of registration
6 5 issued by the secretary if the ~~kennel breeder~~ is federally
6 6 licensed. Application for the license or the certificate
6 7 shall be made in the manner provided by the secretary. The
6 8 annual license or the certification period expires one year
6 9 from the date of issue issuance. The license fee is forty
6 10 dollars ~~per year~~ and the certificate fee is twenty dollars ~~per~~
~~6 11 year~~. The license may be renewed upon application and payment
6 12 of the prescribed fee in the manner provided by the secretary
6 13 if the licensee has conformed to all statutory and regulatory
6 14 requirements. The certificate may be renewed upon application
6 15 and payment of the prescribed fee in the manner provided by
6 16 the secretary. The fee for an original license or certificate
6 17 or renewed license or certificate is due on the date that the
6 18 license or certificate is issued or expires. The license
6 19 renewal fee is the same as the original license fee. The
6 20 certificate renewal fee is the same as the original
6 21 certification fee. However, if the license renewal
6 22 application including the renewal fee or the certificate
6 23 renewal application including the renewal fee is submitted
6 24 more than thirty days after the expiration of the license or
6 25 certificate, the person must also pay a delinquent fee of
6 26 twenty-five dollars. The fees collected by the department
6 27 shall be deposited into the general fund of the state.

6 28 Sec. 11. NEW SECTION. 162.8A DOG DAY CARE OPERATING
6 29 LICENSE.

6 30 A person shall not operate a dog day care unless the person
6 31 has obtained a license to operate a dog day care. The
6 32 application for a license shall be on forms and made in the
6 33 manner required by the department. The license expires one
6 34 year from the date of issuance unless revoked by the
6 35 department. The license may be renewed upon application in a
7 1 manner required by the department. The fee for an original
7 2 license or renewed license is due on the date that the license
7 3 is issued or expires, as applicable. The license fee is forty

7 4 dollars. The license renewal fee is the same as the original
7 5 license fee. However, if the license renewal application
7 6 including the renewal fee is submitted more than thirty days
7 7 after the license's expiration, the person must also pay a
7 8 delinquent fee of twenty-five dollars. A license fee or
7 9 renewal fee under this section is waived if the person is
7 10 licensed as a commercial kennel as provided in section 162.6
7 11 or possesses a boarding kennel operator's license as provided
7 12 in section 162.9. The fees collected by the department shall
7 13 be deposited into the general fund of the state.

7 14 Sec. 12. Section 162.9, Code 2005, is amended to read as
7 15 follows:

7 16 162.9 BOARDING KENNEL OPERATOR'S LICENSE.

7 17 A person shall not operate a boarding kennel unless the
7 18 person has obtained a license to operate a boarding kennel
7 19 issued by the secretary. Application for the license shall be
7 20 made in the manner provided by the secretary and expires one
7 21 year from the date of issue issuance. The license fee is
7 22 thirty dollars ~~per year~~. The license may be renewed upon
7 23 application and payment of the prescribed fee in the manner
7 24 provided by the secretary if the licensee has conformed to all
7 25 statutory and regulatory requirements. The fee for an
7 26 original license or renewed license is due on the date that
7 27 the license is issued or expires. The license renewal fee is
7 28 the same as the original license fee. However, if the license
7 29 renewal application including the renewal fee is submitted
7 30 more than thirty days after the license's expiration, the
7 31 person shall also pay a delinquent fee of twenty-five dollars.
7 32 The fees collected by the department shall be deposited into
7 33 the general fund of the state.

7 34 Sec. 13. Section 162.11, subsection 2, Code 2005, is
7 35 amended to read as follows:

8 1 2. The certificate of registration may be denied or
8 2 revoked if the person no longer possesses a current and valid
8 3 federal license. Other than obtaining the certificate of
8 4 registration from the secretary, any dealer or commercial
8 5 breeder and any person who operates a commercial kennel or
8 6 public auction shall not be subject to further regulation
8 7 under the provisions of this chapter. However, the department
8 8 may enter into a contractual agreement with the United States
8 9 department of agriculture to provide for the regulation and
8 10 inspection of a person qualifying for an exception provided in
8 11 this section.

8 12 Sec. 14. Section 162.12, Code 2005, is amended to read as
8 13 follows:

8 14 162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION
8 15 ENFORCEMENT.

8 16 1. ~~The secretary may deny an application for a license~~
8 17 ~~or certificate of registration may be denied to any pound or~~
8 18 ~~animal shelter and a license or certificate of registration~~
8 19 ~~may be denied to any public auction, boarding kennel,~~
8 20 ~~commercial kennel, research facility, pet shop, commercial~~
8 21 ~~breeder, or dealer, or the secretary may suspend or revoke an~~
8 22 ~~existing certificate or license may be revoked by the~~
8 23 ~~secretary if, after public hearing, license if a person~~
8 24 ~~violates this section.~~

8 25 The secretary shall initiate a contested case action
8 26 against a person as provided in chapter 17A, if it is
8 27 determined that the person violates this section by doing any
8 28 of the following:

8 29 a. Maintaining housing facilities or primary enclosures
8 30 which are inadequate under this chapter, or if the

8 31 b. Providing inadequate feeding, watering, cleaning, and
8 32 housing, or veterinary care practices at the pound, animal
8 33 shelter, public auction, pet shop, boarding kennel, commercial
8 34 kennel, research facility, or those practices by the
8 35 commercial breeder or dealer, at the establishment which are
9 1 not in compliance with this chapter or with the rules adopted
9 2 pursuant to this chapter.

9 3 c. Committing animal abuse, animal neglect, or animal
9 4 torture as provided in chapter 717B.

9 5 2. The premises of each licensee or certificate holder
9 6 establishment shall be open for inspection during normal
9 7 business hours.

9 8 3. If a person elects to obtain and maintain a federal
9 9 license in lieu of a state license as provided in this
9 10 chapter, but fails to obtain or maintain the federal license,
9 11 the secretary may deny the person's application for a
9 12 certificate of registration or suspend or revoke the person's
9 13 existing certificate of registration.

9 14 Sec. 15. Section 162.13, Code 2005, is amended to read as

9 15 follows:

9 16 162.13 PENALTIES.

~~9 17 1. Operation of a pound, animal shelter, pet shop,
9 18 boarding kennel, commercial kennel, research facility, or
9 19 public auction, or dealing in dogs or cats, or both, either as
9 20 a dealer or a commercial breeder, Except as otherwise provided
9 21 in subsection 2, all of the following apply:~~

~~9 22 a. A person who operates an establishment without a
9 23 currently valid license or a certificate of registration is
9 24 guilty of a simple misdemeanor and each day of operation is a
9 25 separate offense.~~

~~9 26 b. The failure of any pound, research facility, animal
9 27 shelter, pet shop, boarding kennel, commercial kennel,
9 28 commercial breeder, public auction, or dealer, an
9 29 establishment, other than a research facility, to adequately
9 30 house, feed, or water dogs, cats, or vertebrate, or provide
9 31 veterinary care to companion animals in the person's or
9 32 facility's possession or establishment's custody is a simple
9 33 misdemeanor. The companion animal may be seized and impounded
9 34 as provided by rules adopted by the department. The companion
9 35 animal may be sold or destroyed as provided by rules adopted
10 1 by the department pursuant to chapter 17A. The rules shall
10 2 provide for the destruction of the animal by euthanasia.~~

~~10 3 c. A dealer who knowingly ships a diseased companion
10 4 animal is guilty of a simple misdemeanor. Each shipment of a
10 5 diseased companion animal in violation of this paragraph is a
10 6 separate offense.~~

~~10 7 d. A person shall not sell a companion animal at any
10 8 location other than the location where the animal is
10 9 permanently being housed or a location provided in a license
10 10 or certificate of registration issued to the person under this
10 11 chapter.~~

~~10 12 2. A person who violates a provision of this chapter is
10 13 subject to a civil penalty of not more than one thousand
10 14 dollars. For purposes of computing the amount of the civil
10 15 penalty, each day of a continuing violation constitutes a
10 16 separate offense. However, a civil penalty for a violation,
10 17 including a continuing violation, shall not be less than one
10 18 hundred dollars. The state shall be precluded from bringing a
10 19 criminal action against the person if the state has initiated
10 20 a judicial or administrative proceeding under this subsection
10 21 for the imposition of a civil penalty. The department may
10 22 vacate a final decision which imposes a civil penalty upon a
10 23 person as part of a contested case proceeding, if the person
10 24 has not paid the civil penalty to the department within thirty
10 25 days after the person has exhausted administrative remedies
10 26 and judicial review sought under chapter 17A. The department
10 27 may petition a court to vacate a final judgment imposing a
10 28 civil penalty upon a person as part of a civil action, if the
10 29 person has not paid the civil penalty to the department within
10 30 thirty days after the person has exhausted the right of
10 31 appeal. Moneys collected in civil penalties shall be
10 32 deposited into the general fund of the state.~~

~~10 33 3. The animals are subject to seizure and impoundment A
10 34 companion animal which is owned by a person who is in
10 35 violation of this chapter may be seized and impounded and may
11 1 be sold or destroyed as provided by rules which shall be
11 2 adopted by the department pursuant to chapter 17A. The rules
11 3 shall provide for the destruction of an a companion animal by
11 4 a humane method, including by euthanasia.~~

~~11 5 4. a. The A person's failure to meet the requirements of
11 6 this section is also cause for suspension or revocation or
11 7 suspension of the person's license or registration after
11 8 public hearing as provided in section 162.12.~~

~~11 9 b. The commission of an An act declared to be which is an
11 10 unlawful practice under section 714.16 or prohibited under
11 11 chapter 717 or 717B, by a person licensed or registered issued
11 12 a license under this chapter, is cause for the suspension or
11 13 revocation or suspension of the person's license or
11 14 registration certificate as provided in section 162.12.~~

~~11 15 5. Dogs, cats, and other vertebrates upon which euthanasia
11 16 is permitted by law A companion animal may be destroyed by a
11 17 person subject to this chapter or a veterinarian licensed
11 18 under chapter 1697. The person must destroy the companion
11 19 animal by a humane method, including euthanasia, as provided
11 20 by rules which shall be adopted by the department pursuant to
11 21 chapter 17A.~~

~~11 22 It is unlawful for a dealer to knowingly ship a diseased
11 23 animal. A dealer violating this paragraph is subject to a
11 24 fine not exceeding one hundred dollars. Each diseased animal
11 25 shipped in violation of this paragraph is a separate offense.~~

11 26 Sec. 16. Section 162.16, Code 2005, is amended by striking
11 27 the section and inserting in lieu thereof the following:

11 28 162.16 RULES.

11 29 The secretary shall adopt rules necessary to carry out the
11 30 provisions of this chapter.

11 31 Sec. 17. Section 162.19, Code 2005, is amended to read as
11 32 follows:

11 33 162.19 ABANDONED ANIMALS DESTROYED.

11 34 ~~1. Whenever any~~ The following provisions shall apply when
11 35 ~~a person transfers possession of a companion animal is left~~

~~12 1 with to a veterinarian, or a commercial establishment which is~~
12 2 ~~a boarding kennel, dog day care, or commercial kennel pursuant~~
12 3 ~~to a written agreement; and~~

12 4 ~~a. If the owner or a person authorized by the owner does~~
12 5 ~~not claim the animal by the agreed date, the animal shall be~~
12 6 ~~deemed abandoned, and a.~~

12 7 ~~b. The veterinarian or commercial establishment shall~~
12 8 ~~deliver a notice of abandonment and its consequences shall be~~

~~12 9 sent within seven days by restricted certified mail to the~~
12 10 ~~last known address of the animal's owner.~~

12 11 ~~c. For fourteen days after mailing of the notice the owner~~
12 12 ~~shall have the right to reclaim the animal upon payment of all~~
12 13 ~~reasonable charges, and after. After the fourteen days~~

12 14 ~~fourteen-day period, the owner shall be deemed to have waived~~
12 15 ~~all rights to the abandoned animal.~~

12 16 ~~d. The veterinarian or commercial establishment may~~
12 17 ~~surrender the companion animal to a pound licensed pursuant to~~

~~12 18 section 162.3 or an animal shelter operating under a~~
12 19 ~~certificate of registration issued pursuant to section 162.4.~~

12 20 ~~If despite diligent effort an the veterinarian or commercial~~
12 21 ~~establishment cannot find a new owner cannot be found for the~~

~~12 22 abandoned animal within another seven days, the veterinarian,~~
12 23 ~~boarding kennel, or commercial kennel or commercial~~

~~12 24 establishment may humanely destroy the abandoned animal by~~
12 25 ~~euthanasia.~~

12 26 ~~2. Each veterinarian, or a commercial establishment which~~
12 27 ~~is a boarding kennel, dog day care, or commercial kennel shall~~

12 28 ~~warn its patrons of the provisions of this section by a~~
12 29 ~~conspicuously posted notice or by conspicuous type in the~~

~~12 30 agreement, or in a written receipt.~~

12 31 Sec. 18. Section 162.18, Code 2005, is repealed.

12 32 EXPLANATION

12 33 BACKGROUND. This bill amends Code chapter 162 providing
12 34 for the regulation of animals in certain establishments,

12 35 including commercial establishments such as commercial
13 1 breeders, commercial kennels, boarding kennels, public

13 2 auctions, dealers, and pet shops. It also regulates other

13 3 noncommercial establishments such as pounds, animal shelters,
13 4 and research facilities.

13 5 CURRENT LAW. A person who operates a commercial
13 6 establishment must be issued a license by the department. The

13 7 amount of the license fee ranges from \$30 for a boarding

13 8 kennel's license to \$100 for a dealer's license. In certain

13 9 cases a person operating a commercial establishment such as a

13 10 dealer, public auction, commercial breeder, or commercial

13 11 kennel may be issued a federal license in lieu of a state

13 12 license. These persons must still be issued a certificate of

13 13 registration by the department. The fee for such certificates

13 14 is \$20. For persons operating noncommercial establishments,

13 15 including animal shelters, pounds, and research facilities, no

13 16 license is required. However, the person must be issued a

13 17 certificate of registration. A person operating a privately

13 18 owned pound must pay \$15 for the certificate. A fee is not

13 19 required to be paid by a person operating an animal shelter,

13 20 publicly owned pound, or research facility.

13 21 The Code chapter authorizes the department to inspect the

13 22 facilities of an establishment required to be issued a license

13 23 or certificate of registration in order to ensure that the

13 24 facilities meet minimum sanitary and animal welfare

13 25 requirements. The department may revoke the establishment's

13 26 license or certificate of registration. An animal warden may

13 27 seize the neglected animals.

13 28 USE OF TERMS. The bill amends Code section 162.2, which

13 29 provides for definitions, by simplifying the language and

13 30 making the terms consistent (e.g., by using the term "person"

13 31 consistently). It eliminates the term "vertebrate animal",

13 32 which is defined to exclude livestock, and replaces it with

13 33 the term "companion animal" and broadens livestock excluded

13 34 from the scope of the Code chapter. The bill amends

13 35 provisions throughout the Code chapter that list all of the

14 1 different types of persons that it regulates, by referring to

14 2 them as establishments. There are provisions in the Code
14 3 chapter which provide that animals must be destroyed humanely
14 4 by euthanasia. However, the term "euthanasia" is defined to
14 5 mean the humane destruction of an animal. The bill eliminates
14 6 the redundancy.

14 7 COMMERCIAL BREEDERS. There are a number of substantive
14 8 changes made to Code section 162.2. A person is classified as
14 9 a commercial breeder if the person breeds and sells dogs or
14 10 cats. There is one exception: A person who keeps three or
14 11 fewer dogs or cats is not a commercial breeder. The bill
14 12 requires that the dogs or cats must be sexually intact and
14 13 more than one year old.

14 14 REGULATION OF POUNDS. The bill requires that all pounds be
14 15 licensed. The bill strikes language referring to a
14 16 certificate of registration.

14 17 REGULATION OF DOG DAY CARE OPERATIONS. The bill creates a
14 18 new class of licensee referred to as a dog day care. It is an
14 19 establishment engaged in providing for the custody or
14 20 supervision of a dog owned by another person. The
14 21 establishment must maintain custody or supervision of the dog
14 22 for less than a full day. The establishment must maintain
14 23 custody or supervision of at least three dogs for the purpose
14 24 of allowing them to play. The license fee is \$40.

14 25 FEES AND LATE RENEWAL FEES. A license or certificate of
14 26 registration expires one year from the date that it is issued
14 27 by the department. The bill expressly provides that the
14 28 amount of a renewal fee is the same as for the original
14 29 issuance of a license or certificate of registration. The
14 30 bill provides that if a renewal application including the
14 31 renewal fee is submitted more than 30 days after the
14 32 expiration of the license or certificate of registration, the
14 33 applicant must also pay a delinquent fee of \$25. The bill
14 34 eliminates a provision (Code section 162.18) stating that the
14 35 fees shall be paid to the treasurer of state, and specifically
15 1 provides that the fees are to be paid into the general fund of
15 2 the state.

15 3 APPLICATION OF THE CODE CHAPTER. Code section 162.11
15 4 provides that a dealer, commercial kennel, or public auction
15 5 which has obtained a valid federal license is not subject to
15 6 state regulation. The department must issue the person a
15 7 certificate of registration which recognizes that the
15 8 establishment is under federal jurisdiction. The bill also
15 9 provides that the department may regulate the person pursuant
15 10 to a written agreement executed by the secretary of
15 11 agriculture and the United States department of agriculture.

15 12 DISCIPLINARY ACTION. Code section 162.12 provides that an
15 13 application for a certificate of registration may be denied or
15 14 an existing certificate of registration may be revoked if the
15 15 facilities are inadequate or an animal is being neglected.
15 16 The bill provides that in order for a person to obtain and
15 17 maintain a certificate of registration, the person must have a
15 18 federal license.

15 19 CRIMINAL OFFENSES. The Code chapter's penalty provisions
15 20 are contained in Code section 162.13. The bill moves a
15 21 provision which prohibits a dealer from shipping a diseased
15 22 companion animal. The bill makes it a criminal offense for a
15 23 commercial establishment to sell a companion animal at a
15 24 location other than the location authorized or approved by the
15 25 secretary. A person who violates a provision of the Code
15 26 chapter is guilty of a simple misdemeanor. A simple
15 27 misdemeanor is punishable by confinement for no more than 30
15 28 days or a fine of at least \$50 but not more than \$500 or by
15 29 both.

15 30 CIVIL PENALTIES. The bill provides that in lieu of
15 31 criminal penalties, a person may be subjected to a civil
15 32 penalty of not more than \$1,000. Each day of a continuing
15 33 violation constitutes a separate offense. A civil penalty for
15 34 a violation, including a continuing violation, cannot be less
15 35 than \$100. The department may vacate a civil penalty and
16 1 pursue criminal charges if the violator does not make timely
16 2 payment.

16 3 LSB 1223SC 81
16 4 da:nh/pj/5.1